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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA
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5 SAMMIE LEE NUNN III,
6 Petitioner,
7 v.
8 NDOC, *et al.*,
9 Respondents.
10

Case No. 2:21-cv-00579-KJD-BNW

ORDER

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12 On April 8, 2021, the Court received, from Sammie Lee Nunn III, an individual
13 incarcerated at Nevada's Three Lakes Valley Conservation Camp, a petition for writ of
14 habeas corpus (ECF No. 1-1) and a motion for appointment of counsel (ECF No. 1-2).
15 Those documents were not filed, and this action was dismissed, and judgment entered,
16 on April 13, 2021, because Nunn did not pay the filing fee for this action and did not file
17 an application to proceed *in forma pauperis* (ECF Nos. 3, 4). In the order dismissing this
18 action, the Court instructed: "If Nunn wishes to pursue a federal habeas corpus action,
19 he must initiate a new case by submitting a habeas petition and either pay the \$5 filing
20 fee or file a fully completed application to proceed *in forma pauperis*, including the
21 required financial certificate." Order entered April 13, 2021 (ECF No. 3).

22 On April 22, 2021, Nunn filed a "Motion to Object" (ECF No. 5); the Court treats
23 that filing as a motion for reconsideration of the April 13 order. In his motion, Nunn
24 argues that the Court erred in dismissing his action because he was granted *in forma*
25 *pauperis* status for purposes of another case he litigated in this Court, Case No. 2:19-
26 cv-01543-RFB-BNW, which is now closed. Nunn's argument is without merit. The Court
27 takes judicial notice of the proceedings in Case No. 2:19-cv-01543-RFB-BNW and
28 recognizes that Nunn was granted *in forma pauperis* status in that case on

1 July 13, 2020. See ECF No. 5 in Case No. 2:19-cv-01543-RFB-BNW. That, however,
2 does not necessarily qualify Nunn for *in forma pauperis* status in this case. See Local
3 Rule LSR 1-2 (requiring that an incarcerated person applying for *in forma pauperis*
4 status simultaneously submit a certificate from the institution certifying the amount of
5 funds currently held in the applicant's trust account at the institution and the net
6 deposits in the applicant's account over the previous six months). Nunn's motion for
7 reconsideration will be denied.

8 Again: If Nunn wishes to pursue a federal habeas corpus action, he must initiate
9 a new case by submitting a habeas petition and either pay the \$5 filing fee or file a fully
10 completed application to proceed in forma pauperis, including the required financial
11 certificate.

12 **IT IS THEREFORE ORDERED** that Petitioner's Motion to Object (ECF No. 5) is
13 treated as a motion for reconsideration of the Court's April 13, 2021, order (ECF No. 3),
14 and is **DENIED**.

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16 DATED THIS 23 day of April, 2021.

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19 KENT J. DAWSON,
20 UNITED STATES DISTRICT JUDGE
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